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Contact Officer:
Maureen Potter 01352 702322

To: Edward Michael Hughes (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam, Julia Hughes and Kenneth Harry Molyneux

2 January 2018

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 8th January, 2018 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items.

Please note that an introductory session for the Standards Committee members to welcome the new independent member will be held from 6.00pm until 6.30pm.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the meeting on 4 December 2017.

4 DISPENSATIONS (Pages 7 - 10)

Purpose: To receive any requests for dispensations.

5 **REVIEW OF CODES AND PROTOCOLS** (Pages 11 - 14)

Purpose: To set a programme for reviewing the codes and protocols within the Constitution.

6 **INDUCTION AND TRAINING FOR THE STANDARDS COMMITTEE** (Pages 15 - 18)

Purpose: That the Committee helps to identify the individual and collective training and development needs of its members.

That the Committee then helps to design a programme for the delivery of training and development to meet the identified needs.

7 **FORWARD WORK PROGRAMME** (Pages 19 - 20)

Purpose: For the Committee to consider topics to be included on the attached Forward Work Programme.

Yours faithfully



Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE **4 DECEMBER 2017**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Connah's Quay Town Council on Monday, 4 December 2017

PRESENT: Edward Hughes (Chairman)

Councillors:

Patrick Heesom and Paul Johnson

Co-opted members:

Robert Dewey, Phillipa Earlam and Ken Molyneux

APOLOGIES: Jonathan Duggan-Keen and Councillor Arnold Woolley

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

35. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

36. MINUTES

The minutes of the meeting held on 2 October 2017 were submitted.

RESOLVED:

That the minutes be approved and signed by the Chairman as a correct record.

37. APPOINTMENT OF INDEPENDENT MEMBER

The Chairman introduced a report on the appointment of an independent member to the Committee, following the joint recruitment exercise undertaken with the North Wales Fire & Rescue Authority (who were seeking to fill two vacancies).

He provided an update on the outcome of the interviews which had taken place since publication of the agenda. Of the eight applications submitted, five candidates had been shortlisted for interview from which Julia Hughes had been recommended for appointment to the Committee. A brief pen portrait drafted by Julia was circulated detailing information on her background and experience.

The Monitoring Officer referred to the composition of the joint panel and explained that the inclusion of Councillor Woolley (in his capacity as Town Councillor) in place of Jonathan Duggan-Keen who had been unavailable, had met the legislative requirements. The recommended term of office for the new member would coincide with one other independent member, thus reducing recruitment costs.

In response to queries, the Chief Officer provided information on the recruitment process. The statutory requirement for advertisements in the local press in the area of the Authority was viewed as expensive, despite this cost being shared with the Fire & Rescue Authority on this occasion. In addition, this method had been the least successful in attracting applications when compared with advertising on social media and the Council's website. Efforts to explore shared advertising opportunities with other councils for appointments to Standards Committees had generated no interest.

The Committee supported the appointment of Julia Hughes and the suggestion that a letter of thanks be sent to Noella Jones, the 'lay person' on the panel.

RESOLVED:

- (a) That Council be recommended to appoint Julia Hughes to the Standards Committee until the end of May 2022; and
- (b) That Noella Jones be thanked for her participation.

38. NORTH WALES STANDARDS FORUM

Mr. Robert Dewey presented his report on the recent meeting of the North Wales Standards Forum, which he had attended on behalf of the Committee.

In summarising the key points of his report, he suggested that the new video due to be produced by the Public Services Ombudsman for Wales (PSOW) could be shown at a future Standards Committee meeting. He felt it was important to encourage more Town/Community Councils to take advantage of training opportunities and referred to the approach of the Standards Committee in Anglesey in engaging with Town/Community Councils at their meetings.

As it was Flintshire's turn to host the next meeting of the Forum in May 2018, the Monitoring Officer would begin preparations in March/April to identify a date and agenda items. In relation to attendance at the recent meeting, it was noted that the primary aim of the Forum was to support independent members, although councillors were also able to attend.

Mr. Dewey was thanked for his report and feedback.

The Monitoring Officer made the following responses to the issues raised:

- Member training sessions - as previously agreed, attendance was recorded but was not available on the Council's website.
- Handling complaints against Members - a statutory process allowed for a hearing with case tribunal subject to meeting specific criteria. It was possible that Member could be suspended pending the outcome, however a careful approach was needed to take account of range of factors including presumption of innocence. Councils were able to take steps informally to protect governance where an accusation was made against a Member. There were plans for the PSOW office to publish for

consultation certain criteria that they would take into account to show transparency.

RESOLVED:

That the report be noted.

39. DECISION OF CASE TRIBUNAL

The Monitoring Officer presented a report on the case tribunal decision relating to the former Councillor Alison Halford, who had been disqualified for 14 months (even though she had retired at the May 2017 Elections). Decisions were reported to the Committee to consider whether there were any lessons arising which could be shared with other Members to assist them in following the Code of Conduct.

A brief summary was given on the findings of the case tribunal which had determined that Councillor Halford had breached the Code of Conduct by (i) using inappropriate language, (ii) using incorrect channels to raise her concerns and (iii) choosing the wrong audience.

During discussion, the Monitoring Officer provided details of the indemnity insurance scheme which was available to Members who chose to opt in.

Ms. Phillipa Earlam felt that the Committee had a duty to comment on the decision once the time limit for an appeal had ended. Officers confirmed that the deadline had lapsed.

Councillor Paul Johnson asked about attendance levels at the Member induction sessions which included information on the Code of Conduct. The Monitoring Officer referred to the statistics previously been reported to the Committee which had reflected a high turnout of new Council Members. The training had also been available to returning Members, some of whom may have attended sessions in previous years.

Concerns were raised by Mr. Robert Dewey that some Members may be 'slipping through the net' in respect of training, particularly on the Code of Conduct. The Monitoring Officer said it was the responsibility of individuals to ensure they kept up-to-date with training made available to them.

The Monitoring Officer agreed to share a draft of the points raised before circulating to Members.

RESOLVED:

- (a) That the judgement of the case tribunal be noted; and
- (b) That the Monitoring Officer prepare a draft summary of the points raised by the Committee to share with Members.

40. DISPENSATIONS

None were received.

41. FORWARD WORK PROGRAMME

The current Forward Work Programme was received.

On items scheduled for the next meeting in January 2018, the Monitoring Officer provided background to the request by One Voice Wales for information on the role of the Town/Community Council member on the Committee. A response had been provided with an invitation to attend the meeting and discuss further if needed.

The Committee was asked for suggested training topics for the next meeting, which would be attended by the new independent member.

Following a suggestion by Mr. Robert Dewey, it was agreed that sentencing guidelines published by the Adjudication Panel for Wales and mitigating features would form part of the training session, along with example cases taken from the Ombudsman's Casebook.

RESOLVED:

That the Forward Work Programme be noted.

42. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 6pm and ended at 7pm)

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Chairman

**APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL**

Name of Councillor	Christine Jones
Address	31 Welsh Road Garden City Deeside Flintshire CH5 2HU
Electoral Division	Sealand
Nature of Dispensation sought	To speak only at Planning Committee in respect of the application.
Level of Dispensation sought (i.e. to speak only or to speak and vote)	To speak only
Relevant Paragraph under which Dispensation is requested (see over)	(d) and (f)
Details of the Prejudicial Interest	The matter relates to a planning application for the approval of reserved matters in respect of outline approval for the erection of 6 dwellings and the application site is to the rear of my home.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	Cabinet Member for Social Services Planning Committee Member

Signed: 	Date: 14-12-2017.
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Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

Planning Application Details for 057808

[Application Details](#)[Map](#)[Associated Documents](#)[Committee Minutes](#)

Make a comment on the application
(/FCC_Planning/Webcomm/Create?apn=057808)

Details

Reference Number

057808

Status

Consultation Period

[Consultation Period: The period in which the local Planning Authority seeks comments from various organizations / statutory bodies and the public.]

Description of proposal

Application for approval of reserved matters appearance, layout, scale, landscaping and access for the erection of 6 dwellings following outline approval. (052887)

Application Type

Planning-Reserved Matters

Comment By

02/01/2018

Location Address 1

(Former garage site) Land rear of

Location Address 2

31 Welsh Road

Location Address 3

Garden City

Location Address 4

Deeside

Location Post Code

CH5 2HU

Community / Town Council

Sealand Community Council

Ward

Sealand

Northing Map Coordinate

369077

Easting Map Coordinate

332752

Applicant Address 1

2 Priory Close

Applicant Address 2

Hawarden

Applicant Address 3

Deeside

Applicant Address 4

Flintshire

Applicant Post Code

CH5 3GZ

Agent Address 1

13 Leaches Lane

Agent Address 2

Mancot

Agent Address 3

Deeside

Agent Address 5

CH5 2EH

Case Officers Name

Emma Hancock

Case Officers Telephone

01352 703254

Date Valid

05/12/2017

Decision Target Date

30/01/2018 00:00:00

[New Search \(/FCC_Planning/?clr=1\)](/FCC_Planning/?clr=1)

A to Z Services

- A (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=A)
- B (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=B)
- C (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=C)
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- O (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=O)
- P (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=P)
- Q (http://www.flintshire.gov.uk/en/Resident/A-to-Z.aspx?AZListing_AtoZLetter=Q)



STANDARDS COMMITTEE

Date of Meeting	Monday 8 th January 2018
Report Subject	Review of Codes and Protocols
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The constitution contains a number of codes and protocols that

- give more detailed guidance on how to apply the Code of Conduct in specific situations;
- create processes for handling issues in an ethical manner

It is good practice to periodically review the codes and protocols to ensure that they are up to date and remain pertinent. All the codes and protocols were reviewed during the last Council term and so it is appropriate that they are reviewed again for this Council term.

RECOMMENDATIONS

1.	That the timetable for reviewing codes and protocols are adopted.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW PROCESS
1.01	<p>The Constitution contains the following codes and protocols :-</p> <ul style="list-style-type: none"> • Members' Code of Conduct • Protocol on the production of Councillor newsletters • Officers' Code of Conduct • Protocol for Members in their • Planning Code of Practice* • Confidential reporting procedure (2 parts) • Protocol on Member/officer relations

	<p>dealings with contractors/developers</p> <p>* Note Planning Code of Practice falls within the remit of the Planning Strategy Group and results of review would be reported to it.</p>																
1.02	These codes and protocols have all been introduced at different times and have been subject to periodic review albeit not at regular intervals. It is appropriate that all such codes and protocols shall be reviewed from time to time to ensure that they are both up to date and indeed still required.																
1.03	The Committee has previously agreed to a rolling review and has completed such a review once. It is timely to review the codes and protocols again. Paragraph 1.06 shows the suggested programme of review so that the Standards Committee can be satisfied that all codes and protocols are reviewed as part of a regular cycle.																
1.04	The interval each code and protocol is reviewed should depend on the importance of that document and the frequency with which it is likely to or might need to be changed. So for example, the Code of Conduct for Members is a very important document and should be checked annually even though the national model code on which it is based is not likely to have changed that frequently. Other than that I would recommend that the committee aim to have all codes and protocols reviewed once within a 3 year cycle which would match the same cycle that has been adopted for other provisions within the Constitution.																
1.05	Clearly, should there be a need to change any code or protocol outside of the cycle then that can be done and then the cycle can be amended accordingly.																
1.06	<p>I have recommended a timetable for reviewing the codes and protocols below :-</p> <table border="1"> <thead> <tr> <th>Year</th> <th>January</th> <th>June</th> <th>December</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td></td> <td>Members' Code of Conduct</td> <td>Planning Code of Practice *</td> </tr> <tr> <td>2019</td> <td>Officers' Code of Conduct</td> <td>Members' Code of Conduct</td> <td>Protocol on Member/Officer relations</td> </tr> <tr> <td>2020</td> <td>Confidential Reporting Procedure</td> <td>Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.</td> <td>Protocol on the production of Councillor newsletters</td> </tr> </tbody> </table>	Year	January	June	December	2018		Members' Code of Conduct	Planning Code of Practice *	2019	Officers' Code of Conduct	Members' Code of Conduct	Protocol on Member/Officer relations	2020	Confidential Reporting Procedure	Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.	Protocol on the production of Councillor newsletters
Year	January	June	December														
2018		Members' Code of Conduct	Planning Code of Practice *														
2019	Officers' Code of Conduct	Members' Code of Conduct	Protocol on Member/Officer relations														
2020	Confidential Reporting Procedure	Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.	Protocol on the production of Councillor newsletters														

2.00	RESOURCE IMPLICATIONS
2.01	The rolling review of the codes and protocols can be supported within existing resources.

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3.00	CONSULTATION REQUIRED AND UNDERTAKEN
3.01	None as a result of this report.

4.00	RISK IMPLICATIONS
4.01	The rolling review will ensure that the ethical rules of the Council remain up to date and pertinent.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS

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STANDARDS COMMITTEE

Date of Meeting	Monday, 8 January 2018
Report Subject	Induction and training for the Standards Committee
Report Author	Gareth Owens

EXECUTIVE SUMMARY

The Committee has a number of councillor members who joined this municipal year, and with the recent recruitment of a new independent member it is timely to consider what training and development the committee requires in order to fulfil its role.

The remit of the committee is laid down by the Constitution and to fulfil that role committee members will need to understand a range of topics. The aim of this report is to explore with committee members what skills and knowledge they need to tackle their role with confidence. All members will have differing levels of knowledge and skill and so some training needs will be collective whilst others will be personal.

RECOMMENDATIONS

1	That the committee helps to identify the individual and collective training and development needs of its members.
2	That the committee then helps to design a programme for the delivery of training and development to meet the identified needs.

REPORT DETAILS

1.00	EXPLORING THE COMMITTEE'S DEVELOPMENT NEEDS
1.01	<p>The terms of reference of the Standards Committee are laid down in the Constitution as follows:</p> <p>“8.7 Role and Function The Standards Committee will have the following roles and functions:</p> <p>8.7.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members and church and parent governor representatives;</p> <p>8.7.2 assisting the Councillors and co-opted Members and church and parent governor representatives to observe the Members’ Code of Conduct;</p> <p>8.7.3 advising the Council on the adoption or revision of the Members’ Code of Conduct;</p> <p>8.7.4 monitoring the operation of the Members’ Code of Conduct;</p> <p>8.7.5 advising, training or arranging to train Councillors and co-opted Members and church and parent governor representatives on matters relating to the Members’ Code of Conduct;</p> <p>8.7.6 granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members’ Code of Conduct;</p> <p>8.7.7 determining requests for representation in proceedings under the Council’s Indemnity Scheme for Members and officers;</p> <p>8.7.8 Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.</p> <p>8.7.9 The exercise of 8.7.1 to 8.7.8 above in relation to the Community Councils wholly or mainly in its area and the members of those community councils. “</p>
1.02	<p>From those terms of reference it is clear that members of the Committee need, amongst other things, the following skills and knowledge:</p> <ul style="list-style-type: none"> • An understanding of the code (including “the Nolan Principles”) and ombudsman’s guidance • Knowledge of how the processes in the ethical regime work • An understanding of the legislation permitting the grant of dispensation and the principles to be applied • An understanding of the indemnity scheme for members • A knowledge of the rules of natural justice and evidenced based decision making plus how to apply them in the context of a standards hearing • In addition, when considering requests for dispensation, the Committee will need to understand the processes or transactions within which the applicants are seeking permission to participate e.g. the planning process, the Community Asset Transfer programme etc.

1.03	<p>Members of the committee may identify further skills and knowledge that they will require. Committee members are asked to consider the above list and use their experience to date to help identify a comprehensive list of matters.</p> <p>Members will have vary degrees of experience in the matters identified and therefore it will be necessary to agree which items should be the subject of collective training of the whole committee and which will be for individual members.</p>
1.04	<p>Members will be aware that the council provides short training sessions (30 minutes) prior to committee meetings. These are suitable for small topics that simply require knowledge transfer. Larger topics can be split across several sessions but some topics may need a longer training event (e.g. a whole afternoon). Equally there is limited opportunity for skill practice in a 30 minute session and so again longer events may be required.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>The 30 minute training slots can be supported within existing officer resource. Depending upon the nature of desired training it may be necessary to employ external resource. There is a small budget that can be used for this and it may be possible to share costs with neighbouring authorities.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	<p>Committee members have a range of experience. Whilst newer members are gaining in confidence they can rely on the more experienced members and officer support in order to build their skills and knowledge.</p>

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>None</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance</p>

Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	“The Nolan Principles” – the Committee on Standards In Public Life was established to scrutinise behaviours in both elected and paid public office. Its first Chairman was Lord Nolan and during his tenure the committee produced 7 principles which are expected to underpin the behaviour of those holding public office.

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
June 2018	<ul style="list-style-type: none"> • Training • Dispensations • Review of the Members' Code of Conduct 	To review the Members' Code of Conduct as part of the Committee's programme of review of the Council's Constitution
April 2018	<ul style="list-style-type: none"> • Training • Dispensations • Update on Members' Annual Reports 	To consider a template annual report to be circulated to members in May
March 2018	<ul style="list-style-type: none"> • Training • Dispensations • North Wales Standards Forum 	To discuss items for the agenda for the North Wales Standards Forum to be held in May 2018 and hosted by the Council
February 2018	<ul style="list-style-type: none"> • Training • Dispensations 	
January 2018	<ul style="list-style-type: none"> • Training • Dispensations • Review of Constitution • One Voice Wales (?) 	To set a new programme for the rolling review of the document OVW may wish to discuss the committee's work with town and community councils and the role of their representative
December 2017	<ul style="list-style-type: none"> • Training • Dispensations • NW Standards Forum • Appointment of independent member 	Sentencing guidelines from the Adjudication Panel for Wales and examples from the PSOW's case book to form part of future training session(s)

	<ul style="list-style-type: none">• Case tribunal decision	Report back from Vice Chair Results of panel interviews Report of decision on former Councillor Halford
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